IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2352 OF 2005

IN

CRIMINAL APPLICATION NO.2182 OF 2005

The State of Maharashtra ...Applicant

Versus

Ganesh Narayan Shinde & Anr. ...Respondents

.....

Mr.A.S.Gadkari, A.P.P. for Applicant.

Mr.V.V.Purwant for Respondents.

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CORAM: A.M.KHANWILKAR, J.

APRIL 26, 2005.

P.C.

1. Heard Counsel for the parties.

2. This Application is filed by the State for cancellation of anticipatory bail granted in favour of the Respondents by the III Additional Sessions Judge, Solapur.

3. I find substance in the contentions raised on behalf of the State that the order in question cannot stand the test of judicial scrutiny. I am not elaborating the reasons that has weighed with me for making this observation, as the Counsel for the Respondents submits that the same will affect the merits of the application for regular bail, to be preferred by the Respondents before the appropriate Court.

4. Suffice it to observe that as the names of Respondents are mentioned in the suicide note left behind by the deceased and supporting evidence of the other witnesses, it was not a case for grant of anticipatory bail, having regard to the seriousness of the offence. Hence, this Application succeeds. The impugned order is set-aside.

5. The Respondents undertake to surrender before the appropriate Court on or before 3rd May 2005 and apply for regular bail, if so advised, which application may be considered on its own merits in accordance with law.

6. In the meantime, Respondents shall report to the Investigating Officer daily from tomorrow between 3.00 p.m. to 5.00 p.m. or such other time or place, as may be required by the Investigating Officer and co-operate with the investigation of the case.

7. Failing to comply with the above condition, it will be open to the Investigating Officer to proceed against the Respondents in accordance with law.

8. Application disposed of on the above terms.

A.M.KHANWILKAR, J.